

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

3:11-cv-00227-HU

ORDER

THE TUG SUNDIAL (Vessel ID No. 652357), in rem, BARGE 166, in rem, BARGE 71, in rem, THE PIONEER, in rem, their apparel, tackle and appurtenances; BANK OF AMERICA NA, in personam; and TIDEWATER BARGE LINES, INC., in personam,

Defendants.

Ron Silver
UNITED STATES ATTORNEYS OFFICE
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902

R. Michael Underhill
Eric Kaufman-Cohen
U.S. DEPARTMENT OF JUSTICE, TORTS BRANCH, CIVIL DIVISION
450 Golden Gate Avenue, Room 7-5395
San Francisco, CA 94102-3463

Attorneys for Plaintiff

Daniel F. Knox
Noah Jarrett
William J. Ohle
SCHWABE, WILLIAMSON & WYATT, P.C.
1211 SW 5th Ave., Suite 1900
Portland, OR 97204

Attorneys for Defendants

HERNANDEZ, District Judge:

Magistrate Judge Dennis J. Hubel issued a Findings and Recommendation (doc. #36) on January 9, 2012, recommending that (1) the motion for partial summary judgment (doc. #13) filed by Bank of America NA (the “Bank”) and Tidewater Barge Lines, Inc. (“Tidewater”) be GRANTED in part and DENIED in part; and (2) the second motion for partial summary judgment (doc. #21) filed by the Tug Sundial (“Sundial”), Barge 166, Barge 71, the Pioneer, and their respective apparel, tackle and appurtenances, the Bank, and Tidewater (collectively, “Defendants”) be GRANTED in part and DENIED in part.

The United States of America (“Plaintiff”) and Defendants timely filed objections to the Magistrate Judge’s Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.

When any party objects to any portion of the Magistrate Judge’s Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge’s report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna–Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered the parties’ objections and conclude that the objections do not provide a basis to modify the Findings and Recommendation. I have also reviewed the pertinent

portions of the record de novo and find no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Hubel's Findings and Recommendation (doc. #36). The motion for partial summary judgment (doc. #13) filed by the Bank and Tidewater is therefore GRANTED in part and DENIED in part, and the second motion for partial summary judgment (doc. #21) filed by Defendants is GRANTED in part and DENIED in part. Oral argument is unnecessary.

IT IS SO ORDERED.

DATED this 15th day of March, 2012.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge